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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,587	04/04/2006	Shin Kikuchi	287656US2PCT	3959
22850	7590	07/21/2009	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			SAMPLE, JONATHAN L	
			ART UNIT	PAPER NUMBER
			3664	
			NOTIFICATION DATE	DELIVERY MODE
			07/21/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No. 10/574,587	Applicant(s) KIKUCHI ET AL.	
Examiner Jonathan Sample	Art Unit 3664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 April 2009.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 7-12 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 7-12 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 04 April 2006 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
- Certified copies of the priority documents have been received.
 - Certified copies of the priority documents have been received in Application No. _____.
 - Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/12/2009</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Pursuant to the response filed on 20 April 2009, the amendments to the claims have been entered into the instant application. The Applicants respectfully traverse the rejection of the pending claims. Claims 7-12 remain pending and have been addressed below.

Response to Arguments

1. Applicant's arguments filed on 20 April 2009 have been fully considered but they are not persuasive.

Applicant focuses primarily on the final limitation of independent claim 7 in arguing that the primary reference does not teach this element. Applicant emphasis,

Shimada does not teach or suggest that the mobile navigation unit "obtains...a researched route **with the designated location as a departure point** and the **destination included in the route search criteria stored in the memory unit as an arrival point**," "when a **route search instruction including a designated location** is received while the route search result is displayed on the display unit," because Shimada does not teach or suggest that "a route search instruction including a designated location is received while the route search result is displayed," or that "a researched route with the designated location as a departure point" is obtained.

Examiner respectfully disagrees. As indicated by Applicant, Shimada teaches a mobile navigation unit that detects current position and searches for a guide route to a destination. It is interpreted by the Examiner, that the current position is the designated location or departure point, and the destination is deemed as an arrival point. Shimada goes on to teach wherein the guide route of the mobile unit is collected and stored in the memory. It is implicitly implied that if the guide route is stored in the memory, then the route search criteria of the current mobile unit positions as well as the destination or arrival point would also be stored in said memory. Shimada goes on to disclose

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wherein a differential route is applied to the guide route and then displayed on a display monitor, and specifically in Figure 5, wherein the original guide route and the differential route are displayed to the user. Shimada goes on to disclose in embodiments 9 and 10, wherein an application determination means is applied (route search instruction) based on the positional relationship between the current position of the mobile unit and the destination and whether or not a differential route is required to arrive at the destination (Figure 3; column 5, lines 14-42, column 8, lines 23-50 and column 9, lines 1-32).

Accordingly, Applicant's arguments are found unpersuasive, and the pending claims remain rejected as stated below. Based off of Applicant's understanding of the rejections as reflected in his arguments, Examiner has augmented below the referenced prior art sections to further clarify the rejections. However, it is suggested that the Applicant read each reference in its entirety so as to obtain a full appreciation of the cited rejections.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 7-12** are rejected under 35 U.S.C. 102(b) as being anticipated by Shimada (US 6,591,189 B2).

Regarding claims 7, 11 and 12, Shimada teaches a navigation apparatus, method and computer readable recording medium, connected to a route search server

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via a network comprising: a route-search-result obtaining unit (Figure 2, ECU 41) that obtains a route search result including a searched route and map information associated with the searched route from the route search server (column 5, lines 5-33 and column 10, lines 59-65); a display unit (Figure 2, display monitor 51) that displays the route search result (column 5, lines 10-33); and a memory unit (Figure 2, memory 42) that stores route search criteria including a destination (column 5, lines 5-28), wherein the route-search-result obtaining unit obtains, when a route search instruction including a designated location is received while the route search result is displayed on the display unit, a researched route with the designated location as a departure point and the destination included in the route search criteria stored in the memory unit as an arrival point (Figure 3; column 4, line 65-column 5, line 10, column 5, lines 18-42 and column 10, lines 41-65).

Regarding claim 8, wherein the navigation apparatus further comprises: an operating unit (Figure 2, operation switch 31) for moving a cursor position on a map displayed on the display unit, wherein when the route search instruction in which the cursor position is specified as the designated location is received, the route-search-result obtaining unit obtains a researched route with the cursor position as the departure point and the destination included in the route search criteria stored in the memory unit as the arrival point (Figure 6; column 6, lines 20-26, column 9, lines 1-15, column 10, lines 20-27 and column 10, line 66-column 11 line 3).

Regarding claim 9, wherein when the route search instruction including the designated location is received while the route search result is displayed on the display

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unit, the route-search-result obtaining unit obtains a researched route based on the route search criteria stored in the memory unit (column 4, line 65-column 5, line 42).

Regarding claim 10, wherein when the route search instruction including the designated location is received, the route-search-result obtaining unit transmits a request for a route search with the designated location as the departure point and the destination included in the route search criteria stored in the memory unit as the arrival point to the route search server via a network, and obtains a researched route transmitted from the route search server in response to the request (column 5, lines 6-25, column 8, lines 27-49, column 9, lines 1-15 and column 10, lines 59-65).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached PTO-892 – Notice of References Cited form.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Sample whose telephone number is (571)270-5925. The examiner can normally be reached on M-F 7-3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. S./
Examiner, Art Unit 3664

9 July 2009
/KHOI TRAN/
Supervisory Patent Examiner, Art Unit 3664